

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

SEAN JERVITT HOPKINS,)
Petitioner,)
vs.) Case No. 09-3274-CV-S-GAF
MARTY C. ANDERSON, Warden,)
Respondent.)

ORDER

Now pending before the Court is Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) in which he alleges deliberate indifference to his serious medical needs by not being properly treated for an eye condition and providing him with a cornea transplant for his left eye.

On November 25, 2009, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #11). On December 14, 2009, Petitioner filed his Exceptions to the Report and Recommendation of United States Magistrate (Doc. #12).

Upon careful and independent review of the pending petition, Petitioner's exceptions to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Petitioner's Petition for Writ of Habeas Corpus is dismissed without prejudice, and Petitioner is denied leave to proceed in forma pauperis.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: December 16, 2009